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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,453	11/21/2003	Kevin L. Bostrom	LUC-446/Bostrom 6-7-12	2590
32205 7590 11/23/2007 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER TRAN, NGHI V	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 11/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,453

Applicant(s)

BOSTROM ET AL.

Examiner

Nghi V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on September 12, 2007. No claims have been amended. No claims have been canceled. Claims 21-22 have been added. Therefore, claims 1-22 are presented for further examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 and 11- 20²¹⁻²² are rejected under 35 U.S.C. 103(a) as being unpatentable over Constantinof, United States Patent Application Publication Number 2004/0228352 (hereinafter Constantinof), in view of Barak et al., United States Patent Application Publication Number 2002/016821 (hereinafter Barak).

4. With respect to claims 1, 14, and 20, Constantinof teaches an apparatus [i.e. server-type device, see fig.8], comprising:

- an application server component [i.e. a session filter 12] that serves to maintain one or more communication session restrictions set [figs.1-7];

- wherein the application server component employs one or more of the one or more communication session restrictions to advise one or more network components for control of one or more connections of one or more communication sessions for one or more of the one or more mobile communication devices [paragraphs 0019-0040].

However, Constantino does not explicitly show maintaining one or more communication session restrictions set by one or more administrators for one or more mobile communication device.

In a related art, Barak suggests or discloses maintaining one or more communication session restrictions set [i.e. call control limitations, paragraph 0011] by one or more administrators for one or more mobile communication device [paragraphs 0020-0046].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Constantino in view of Barak by maintaining one or more communication session restrictions set by one or more administrators for one or more mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

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5. With respect to claims 2 and 19, Constantino does not explicitly show wherein the one or more administrators employ one or more websites to set the one or more communication session restrictions; wherein the application server component maintains the one or more of the one or more communication session restrictions set by the one or more administrators with the one or more websites.

In a related art, Barak suggests or discloses wherein the one or more administrators employ one or more websites to set the one or more communication session restrictions; wherein the application server component maintains the one or more of the one or more communication session restrictions set by the one or more administrators with the one or more websites [paragraph 0042].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Constantino in view of Barak by setting one or more communication session restrictions via one or more administrators with one or more websites because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

6. With respect to claims 3, 5-7, 11, 15, and 17-18, Constantino does not explicitly show wherein the one or more administrators comprise an administrator, wherein the application server component receives a request to continue the communication

session from the mobile communication device; wherein the application server component notifies the administrator of the request to continue the communication session.

In a related art, Barak suggests or discloses wherein the one or more administrators comprise an administrator, wherein the application server component receives a request to continue the communication session from the mobile communication device [paragraphs 0022-0026]; wherein the application server component notifies the administrator of the request to continue the communication session [paragraph 0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Constantinof in view of Barak by requesting to continue the communication session from the mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

7. With respect to claims 4 and 16, Constantinof further teaches wherein the application server component advises the network component to send a warning of a communication session termination to the mobile communication device [i.e. send a system protection message to the source element **110**, **220**, **310**, and **410**, figs.2,4,&6].

8. With respect to claim 8, Constantinof does not explicitly show wherein the request comprises an emergency request, wherein the application server component allows the communication session for the mobile communication device.

In a related art, Barak suggests or discloses wherein the request comprises an emergency request, wherein the application server component allows the communication session for the mobile communication device paragraphs 0022-0026 and 0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Constantinof in view of Barak by allowing the communication session for the mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

9. With respect to claims 9 and 21-22, Constantinof does not explicitly show wherein the communication session comprises an incoming call, wherein the application server component sends the incoming call to a messaging component of the mobile communication device.

In a related art, Barak suggests or discloses wherein the communication session comprises an incoming call, wherein the application server component sends the

incoming call to a messaging component of the mobile communication device [paragraphs 0022-0026 and 0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Constantinof in view of Barak by sending the incoming call to a messaging component of the mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

10. With respect to claim 12, Constantinof further teaches wherein the application server component serves to maintain the one or more communication session restrictions for the one or more mobile communication devices, wherein the one or more communication sessions of the one or more mobile communication devices comprise one or more of an email, a phone call [paragraphs 0002, -0004 and 0035], website access, an instant message, and a short message service message [i.e. SIP, see paragraphs 0024].

11. With respect to claim 13, Constantinof does not explicitly show wherein the one or more of the one or more communication session restrictions comprise one or more of a time limit, a session limit, a user limit, and a website limit; wherein the application server component employs the one or more of the time limit, the session limit, the user

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limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication sessions for the one or more of the one or more mobile communication devices.

In a related art, Barak suggests or discloses wherein the one or more of the one or more communication session restrictions comprise one or more of a time limit, a session limit, a user limit, and a website limit; wherein the application server component employs the one or more of the time limit, the session limit, the user limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication sessions for the one or more of the one or more mobile communication devices [For instance, call control limitations may include budgetary, time, geographic, and other limitation, see abstract and paragraphs 0020-0046].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Constantino in view of Barak by employing the one or more of the time limit, the session limit, the user limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication session for the one or more of the one or more mobile communication devices because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Constantinof in view of Barak as applied to claim 1 above, and further in view of Barnes, JR., United States Patent Application Publication Number 2005/0136949 (hereinafter Barnes).

13. With respect to claim 10, Constantinof in view of Barak does not explicitly show wherein an originator of the incoming call leaves a voice message for a user of the mobile communication device, wherein the application server component converts the voice message to a short message service message or an email; wherein the application server component sends the short message service message or the email through the network component to the mobile communication device.

In a related art, Barnes suggests wherein an originator of the incoming call leaves a voice message for a user of the mobile communication device, wherein the application server component converts the voice message to a short message service message or an email; wherein the application server component sends the short message service message or the email through the network component to the mobile communication device [paragraph 0387].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Constantinof in view of Barak, and further in view of Barnes by converting the voice message to a short message service message or an email because this feature provides a system, method apparatus, and computer

program product for automatically processing in a wireless network communications [paragraph 0008]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to wirelessly exchange select information with other users and system [paragraph 0010].

Response to Arguments

14. Applicant's arguments filed September 12, 2007 have been fully considered but they are not persuasive because of the following: Constantinof teaches an apparatus [i.e. server-type device, see fig.8], comprising: an application server component [i.e. a session filter **12**] that serves to maintain one or more communication session restrictions set [figs.1-7]; wherein the application server component employs one or more of the one or more communication session restrictions to advise one or more network components for control of one or more connections of one or more communication sessions for one or more of the one or more mobile communication devices [paragraphs 0019-0040]. However, Constantinof does not explicitly show maintaining one or more communication session restrictions set by one or more administrators for one or more mobile communication device. In a related art, Barak suggests or discloses maintaining one or more communication session restrictions set [i.e. call control limitations, paragraph 0011] by one or more administrators for one or more mobile communication device [paragraphs 0020-0046]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Constantinof in view of Barak by maintaining one or more communication

session restrictions set by one or more administrators for one or more mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

15. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as show in the above.

16. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to

modify Constantinof in view of Barak by maintaining one or more communication session restrictions set by one or more administrators for one or more mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

17. In response to applicant's arguments that Castastinof teaches away from performing additional processing tasks on the telephone switch, the examiner respectfully disagrees. Applicant's argument does not commensurate with the scope of the claims. Claims 1, 14, and 20 directly or indirectly recite restricting one or more communication session for one or more mobile communication devices. However, claims 1 and 13 do not recite the limitation of "performing additional processing tasks the telephone switch" (emphasis added). Therefore, Constantinof teaches an apparatus [i.e. server-type device, see fig.8], comprising: an application server component [i.e. a session filter **12**] that serves to maintain one or more communication session restrictions set [figs.1-7]; wherein the application server component employs one or more of the one or more communication session restrictions to advise one or more network components for control of one or more connections of one or more communication sessions for one or more of the one or more mobile communication

devices [paragraphs 0019-0040], not teaching away from performing additional processing tasks on the telephony switch.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday and every other Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi Tran
Patent Examiner
Art Unit 2151


JOHN ROLLANSBEE
SUPERVISORY PATENT EXAMINER
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November 14, 2007